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INTERNATIONAL LAW—SOVEREIGN'S IMMUNITY FROM SUIT—WAIVER.—The Kingdom of Roumania brought suit against the defendant trust company to recover a deposit made by it therein. The defendant moved to interplead a third party who sued it for the same deposit. *Held*, that the Kingdom of Roumania, having voluntarily brought suit, waived its immunity as a sovereign power and was subject to an interpleader. *Kingdom of Roumania* v. *Guaranty Trust Co. of N. Y.* (D. C. S. D. N. Y. 1917) 244 Fed. 195. Reversed but not yet reported. (C. C. A.) See 58 N. Y. L. J. 1187.

It is well established that an independent state may neither be sued in the courts of another state, *DeHaber* v. *Queen of Portugal* (1851) 17 Q. B. 196, nor its property seized or made the subject of judicial process. *Vavasseur* v. *Krupp* (1878) 9 Ch. D. 351; *Schooner Exchange* v. *M'Faddon* (1812) 11 U. S. 116; *Parlement Belge* (1880) 42 L. T. R. (N. S.) 273. Nor may a sovereign be sued in another state, though a citizen of that state, for acts done in his sovereign capacity in his own country. *Duke of Brunswick* v. *King of Hanover* (1848) 2 H. L. C. *1. And even where a sovereign residing in another state has entered into a contract under an assumed name as a private individual, he will nevertheless be allowed to set up his sovereignty as a defense to a suit brought against him on that contract. *Mighell* v. *Sultan of Johore* [1894] 1 Q. B. D. 149. However, a sovereign state may avail itself of the courts of a foreign jurisdiction to redress a wrong done it in respect to its property. *Emperor of Austria* v. *Day & Kossuth* (1861) 3 DeG., F. & J. *217, *238. But where a state has submitted to the court's jurisdiction it may not subsequently raise an objection to the jurisdiction, *Richardson* v. *Fajardo Sugar Co.* (1916) 241 U. S. 44, 36 Sup. Ct. 476, and it must conform to the rules of practice of the court. *King of Spain* v. *Hullet & Widder* (1833) 1 Cl. & F. 333. So a sovereign is subject to a cross bill, *Rothschild* v. *Queen of Portugal* (1839) 3 Y. & C. 94, and must, if required, give security for costs. Moreover, the defendant in an action begun by a sovereign may assert a lien, *United States* v. *Wilder* (1838) 28 Fed. Cas. No. 16694, or contract rights, *United States of America* v. *Prioleau* (1865) 2 Hem. & M. 559, which he has acquired with regard to the property claimed. While it is suggested that a counterclaim might be allowed, see *Strousberg* v. *Republic of Costa Rica* (1880) 44 L. T. R. (N. S.) 199, it is settled that no affirmative judgment may be rendered against the sovereign. *United States* v. *Eckford* (1867) 173 U. S. 484; *South African Republic* v. *Compagnie Franco-Belge etc.* [1898] 1 Ch. 190. In all the cases where the defendant has been allowed to assert rights, there would seem to have been a waiver by the sovereignty of its immunity from suit. And as illustrated by the cases involving counterclaims, the courts will protect rights which have not been waived. In the principal case it seems clear that in bringing its action the Kingdom of Roumania did not in any way waive its immunity from suit by the party sought to be impleaded and the interpleader should not be allowed.

LARCENY—EVIDENCE OF POSSESSION—UNIDENTIFIED GOODS.—In a prosecution for larceny, evidence that the defendants when arrested had in their possession various articles of jewelry not identified as the property of the prosecuting witness was *held* admissible as tending to show property in the hands of the accused subsequent to the alleged larceny. *Commonwealth* v. *Coyne et al.* (Mass. 1917) 117 N. E. 337.

As a general rule, evidence of other crimes committed by the defendant to prove the particular offense for which he is being tried is inadmissible on the ground that the admission of such evidence would unduly influence the jury against him. *People* v. *Molineux* (1901) 168 N. Y. 264, 61 N. E. 286; 2 Columbia Law Rev. 39. However, evidence of a former offense is admissible to prove the specific crime when it tends to show motive, *Thompson* v. *United States* (C. C. A. 1906) 144 Fed. 14, or intent, *Mitchell* v. *State* (1904) 140 Ala. 118, 37 So. 76, or the identity of the accused, *People* v. *Jennings* (1911) 252 Ill. 534, 96 N. E. 1077, or a common scheme embracing the commission of a series of crimes, *Commonwealth* v. *Snell* (1905) 189 Mass. 12, 75 N. E. 75, or absence of mistake or accident. *State* v. *Hyde* (1911) 234 Mo. 200, 233, 136 S. W. 316. On the other hand, evidence that the defendant had recent possession of the property for the larceny of which he is being tried is always admissible. 1 Wigmore, Evidence, § 152. Moreover there is a division of authority as to the effect of such evidence, Wigmore, *op. cit.* § 2513, some jurisdictions holding that it raises a presumption in law of the guilt of the defendant, *State* v. *Court* (1910) 225 Mo. 609, 125 S. W. 451, and others holding that it is such evidence from which the jury might infer the guilt of the accused, if he cannot explain possession. *Thompson* v. *State* (1909) 58 Fla. 106, 50 So. 507. Moreover, evidence is admitted to show that the defendant had no money before the alleged larceny and an unexplained sum of money after the specific offense in question, *State* v. *Bruce* (1890) 106 N. C. 793, 11 S. E. 475; *State* v. *Thompson* (1893) 87 Iowa 670, 54 N. W. 1077; *People* v. *Kelly* (1901) 132 Cal. 430, 64 Pac. 563; *contra Williams* v. *United States* (1897) 168 U. S. 382, 18 Sup. Ct. 92, on the ground that such a sudden change of circumstances is a suspicious fact which the jury has a right to consider in connection with other evidence which points strongly to the defendant's guilt. See *Commonwealth* v. *Montgomery* (1846) 52 Mass. 534. The court in the principal case apparently admitted the evidence in question on this ground. But it would seem that the decision is a further encroachment on the general rule that evidence of other crimes is inadmissible. For if any inference of guilt can be drawn from the testimony admitted, it would seem to be that the defendant had gained possession of the unidentified collection of jewelry in the commission of other larcenies than the one charged. There would seem to be no such inference as is drawn from the sudden possession of money since money might well be the proceeds of a recent larceny. It is submitted that the evidence in the principal case should have been excluded.

NEGLIGENCE—RECOVERY BY INVITED GUEST IN AUTOMOBILE FOR PERSONAL INJURY.—The plaintiff, having been invited by the defendant to ride in her automobile, while a guest in the latter's home, was injured in an accident due to the negligence of the chauffeur. In a tort action for damages, *held,* in the absence of evidence of gross negligence on the part of the defendant, the plaintiff could not recover. *Massaletti* v. *Fitzroy* (Mass. 1917). 56 Banker & Tradesman 875.

The courts have by a number of decisions stated that the status of one invited to take an automobile ride, is that of an invitee for social purposes, towards whom the owner owes the duty of ordinary care. Some courts have declared that while the host is not responsible for acts of non-feasance, *Plummer* v. *Dill* (1892) 156 Mass. 426, 31 N. E. 128; but *cf. Davis* v. *Central Congregational Society* (1880) 129